SUPREME COURT OF THE UNITED STATES

Nos. 08A1096, 08–1513 (08A1099), 08A1100

INDIANA STATE POLICE PENSION TRUST ET AL.
08A1096 v.
CHRYSLER LLC ET AL.

CENTER FOR AUTO SAFETY ET AL.
08–1513 (08A1099) v.
CHRYSLER LLC ET AL.

PATRICIA PASCALE
08A1100 v.
CHRYSLER LLC ET AL.

ON APPLICATIONS FOR STAY

[June 9, 2009]

PER CURIAM.

The applications for stay presented to JUSTICE GINSBURG and by her referred to the Court are denied. The temporary stay entered by JUSTICE GINSBURG on June 8, 2009, is vacated.

A denial of a stay is not a decision on the merits of the underlying legal issues. In determining whether to grant a stay, we consider instead whether the applicant has demonstrated "(1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari or to note probable jurisdiction, (2) a fair prospect that a majority of the Court will conclude that the decision below was erroneous, and (3) a likelihood that irreparable harm will result from the denial of a stay." *Conkright* v. *Frommert*, 556 U. S. ___, ___ (2009) (slip op., at 1–2) (GINSBURG, J., in chambers) (internal quotation

marks and alterations omitted). In addition, "in a close case it may be appropriate to balance the equities," to assess the relative harms to the parties, "as well as the interests of the public at large." *Id.*, at ___ (slip op., at 2) (internal quotation marks omitted).

"A stay is not a matter of right, even if irreparable injury might otherwise result." *Nken* v. *Holder*, 556 U. S. ___, ___ (2009) (slip op., at 11) (internal quotation marks omitted). It is instead an exercise of judicial discretion, and the "party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion." *Ibid.* The applicants have not carried that burden.

"[T]he propriety of [a stay] is dependent upon the circumstances of the particular case," and the "traditional stay factors contemplate individualized judgments in each case." *Ibid.* (internal quotation marks omitted). Our assessment of the stay factors here is based on the record and proceedings in this case alone.